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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,497	07/19/2002	Pieter Van Dalen	DCLERC 3	7026
23599	7590	03/14/2006	EXAMINER	
MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD. SUITE 1400 ARLINGTON, VA 22201			DALENCOURT, YVES	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/070,497	VAN DALEN, PIETER	
	Examiner Yves Dalencourt	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 December 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.  
 4a) Of the above claim(s) 4-6, 13 and 19 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3, 9 and 10 is/are rejected.  
 7) Claim(s) 7, 8, 11, 12 and 14-18 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/15/02&amp;4/13/04</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

This office action is responsive to the election of group I (claims 1 – 3, 7 – 12, and 14 – 18) filed on 12/15/2005.

### ***Election/Restrictions***

1. Applicant's election with traverse of claims 1 - 19 in the reply filed on 12/15/2005 is acknowledged. The traversal is on the ground(s) that the additional subclasses searched do not constitute an undue searching burden for the examiner. This is not found persuasive because the subject matter of groups (I – IV) are different and present a searching burden for the examiner.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Objections***

2. Claims 7 – 8, 11 – 12, and 16 – 18 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 1 – 3, 9 – 10, and 14 - 15. See MPEP § 608.01(n). Accordingly, the claims (7 – 8, 11 – 12, and 16 – 18) are not been further treated on the merits.

3. Claim 1 is objected to because of the following informalities: It is suggested to spell out " PPP" as --- point-to-point protocol (PPP).

4. Claim 2 is objected to because of the following informalities: It is suggested to insert – the – (line 4 in front of receiver device). Also, please change " Graphical User Interface " to --- graphical user interface (GUI) in claim 2, lines 3 and 11.

Claim 3 is objected to because of the following informalities: It is suggested to end the claim with a period.

5. Appropriate correction is required.

6. **Claims 14 and 15 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.**

Regarding claim 14, the limitation of " providing home automation network functionality as a TeleMail-based application " is unclear because claim 1 does not recite providing home automation network functionality. Claim 14 does not further limit the independent claim 1 based on the preamble.

Regarding claim 15, the limitation of " automating the control over Appliances addressed by the TeleControl application, and connected to the mains network by means of a scheduler as integrated function of the Graphical User Interface application " is unclear because claim 1 does not recite automating the control over Appliances addressed by the TeleControl application. Claim 15 does not further limit the independent claim 1 based on the preamble. It is suggested to rewrite the preamble as follows:

**Prior art rejections would not be applied since the claims are so complex, and the examiner is unable to see exactly the connection between the independent claim 1 and the dependent claims 14 and 15.**

7. Claim 1 recites the limitation "the sender" in line 4" and the e-mail message" in line 6. There is insufficient antecedent basis for these limitations in the claims.
8. Regarding claim 2, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1 – 3 and 9 – 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Ho et al (US 5,805,298; hereinafter Ho).
11. Regarding claim 1, Ho teaches a method for establishing e-mail communication between two users/devices who/which both have access to the Public Switched Telephone Network, without the need of being connected to the Internet (fig. 1), comprising the steps of establishing the data link, and PPP connection between the

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sender and receiver application (col. 3, lines 36 - 43); and transferring the e-mail message (s) to receiver device over TCP/IP (col. 3, lines 43 - 47).

12. Regarding claims 2, 9, and 10, Ho teaches a method according to claim 1, further comprising the steps of composing one or more electronic mail messages through a graphical user interface application (col. 4, lines 7 – 42; col. 5, line 15 through col. 6, line 23); setting up a telephone connection to receiver device; acceptance of the call by the receiver device; storage of the e-mail message(s) on the receiver device (col. 4, lines 7 – 42; col. 5, line 15 through col. 6, line 23); termination of the data link and telephone connection (col. 4, lines 7 – 42; col. 5, line 15 through col. 6, line 23); perceptible indication that an e-mail message (including attached files) by the receiver graphical user interface application (col. 4, lines 7 – 42; col. 5, line 15 through col. 6, line 23).

13. Regarding claim 3, Ho teaches a method according to claim 2 or 3, further comprising the step of retrieving the telephone number of the receiver from a database (col. 6, lines 58 – 60; col. 7, lines 6 - 17).

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

15. Mahler et al (US Patent Number 6,542,504) discloses a profile based method for packet header compression in a point to point link.
16. Thomas William Bereiter (US Patent Number 6,185,606) discloses an adaptive messaging method system and computer program product.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6: 00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yves Dalencourt

  
March 2, 2006